

REMARKS

The Office Action initially dated 28 December 2002, but re-dated 30 January 2003 by the Decision on Petition to Reset Period for Reply issued 27 February 2003, has been reviewed, and the comments of the U.S. Patent Office have been considered. Claims 1-10 have been currently amended, and claims 11 and 12 have been cancelled without prejudice or disclaimer. Thus, claims 1-10 and 13-19 are respectfully submitted for reconsideration by the Examiner.

In accordance with the requirement set forth in the Office, a substitute specification is attached. Similarly, a replacement abstract of the disclosure, on a separate sheet, is also attached. No new matter has been introduced. Entry of the substitute specification and replacement abstract of the disclosure is earnestly solicited.

The claims were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly narrative and indefinite, and allegedly failing to conform with U.S. practice. In accordance with the Examiner's helpful suggestion, the word --actor-- has been replaced with "actuator." It is respectfully submitted that the claims fully comply with 35 U.S.C. § 112, and that the rejection should be withdrawn.

Claim 11 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by any of U.S. Patent No. 5,116,908 to Montgomery, U.S. Patent Nos. 5,557,954 and 5,675,886 to Hase, U.S. Patent No. 6,135,234 to Harris et al. (Harris), U.S. Patent No. 4,174,799 to d'Agnolo, or by the article titled *Piezopower* by Jendritza et al. (Jendritza). Claim 11 was also rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,265,810 to Ngo. It is respectfully submitted that these rejections have been rendered moot by the cancellation without prejudice or disclaimer of claim 11.

Claim 12, which was withdrawn from consideration in response to the Restriction Requirement dated 6 November 2001, has also been cancelled without prejudice or disclaimer. Of course, Applicants retain the right to file a divisional application directed to the withdrawn and now cancelled subject matter.

CONCLUSION

Given the Examiner's helpful indication that claims 1-10 and 13-19 would be allowable, it is respectfully submitted that the application is now in condition for allowance and an early notification of such is earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: 26 August 2003

By: _____



Scott F. Anchell
Reg. No. 35,035

Customer No.: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel. 202.739.3000
Fax. 202.739.3001

Abstract of the Disclosure

B2
An actuator unit has an elastically configured hollow body in which a piezoelectric actuator is biased, the hollow body being provided with holes which are of a dumb-bell shape and run transversely of the hollow body's axis.
